

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTONIO AGUILAR ESCOBAR,

Defendant.

4:18CR3090

ORDER

The court's prior order required the parties to file their proposed stipulated facts for trial on or before April 4, 2019. (Filing No. 50). Defendant did not do so, instead requesting additional time to object to the ruling on Defendant's motion to dismiss. (Filing No. 51). The government moves to exclude the time under the Speedy Trial Act while awaiting Defendant's decision on how he intends to proceed in this case, by motion to dismiss or the filing of a factual statement for a trial on stipulated facts. (Filing No. 54). The court finds that in the interest of justice, the time under the Speedy Trial Act must be excluded because Defendant's continued delays, indecision, and decision changes are thwarting the court's ability to progress this case in a more expeditious manner.

Accordingly,

IT IS ORDERED:

- 1) The government's motion, (Filing No. 54), is granted.
- 2) The time between April 4, 2019 and the date the defendant either objects to the ruling on the motion to dismiss or files his factual statement for a trial on stipulated facts shall be deemed excluded in any computation of time under the requirements of the Speedy Trial Act because the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7). Failing to timely

object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

April 12, 2019.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge